

REQUIRES MONITORING OR  
STAFF ACTION NO

**COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>February 22, 2006</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2004-219-E - -</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>	ORDER NO.	<u>-</u>

**SUBJECT:**

DOCKET NO. 2004-219-E – Progress Energy Carolinas, Inc. – Petition to Terminate Service – Discuss with the Commission a Motion to Continue the Hearing Filed by Beatrice Weaver.

**COMMISSION ACTION:**

Mr. Chairman, with regard to the Motion to Continue the Date of the Hearing in Docket No. 2004-219-E filed by Beatrice Weaver, I move that we deny the Motion. The grounds for the Motion are several. First, Mrs. Weaver requests a continuance on the ground that the hearing is scheduled to start on Passover, which is immediately followed by Good Friday and Easter Sunday. Mrs. Weaver states that because she believes the hearing will likely last several days, we should not begin the hearing during the Easter season. Mrs. Weaver does not really assert any objection to the hearing date based on religious grounds, but only states a belief that the hearing should not begin on Passover and run during the Easter season, since it is likely to last several days. This is not a sufficient ground for granting a continuance. Second, Mrs. Weaver states that she has made inquiries among the witnesses that she intends to present at the hearing, and they are unable to attend the hearing on Passover and during the Easter season. Mrs. Weaver has failed to present any particularized information from the witnesses themselves regarding their unavailability on those days, and has therefore presented insufficient evidence as to the possible inconvenience of the witnesses. This ground is therefore insufficient to support her motion. Third, Mrs. Weaver states that because she believes the hearing is likely to last several days, it will present hardships because of transportation and the financial requirements of such a hearing. This, too, is unavailing. When a person pursues litigation, he or she must be prepared to make whatever arrangements are necessary to be present during the times that the hearing is held. Mrs. Weaver's additional grounds are likewise unpersuasive. Mr. Chairman, I would also note that this Docket was opened in August of 2004, and the hearing has been continued on prior occasions. I believe that the hearing in this matter is long overdue, and that the Motion for Continuance should be denied.

PRESIDING	<u>Mitchell</u>				Session: Regular
	MOTION	YES	NO	OTHER	Time of Session <u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED _____
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS _____
HAMILTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING _____
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED _____
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED _____
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED _____
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED _____
					CANCELED _____
					SET FOR HEARING _____
					ADVISED _____
					CARRIED OVER _____
					RECORDED BY <u>SCHMIEDING</u>